

2005 DRAFTING REQUEST

Bill

Received: **12/27/2004**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Percy**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies: **PJH**

Submit via email: **NO**

Pre Topic:

DOA:.....Percy, BB0332 -

Topic:

Automation of driver record certifications

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: Automation of Driver Record Certifications
- Tracking Code: BB0332
- SBO team: Environmental and Commercial Resources
- SBO analyst: Doug Percy
 - Phone: 266-1039
 - Email: doug.percy@doa.state.wi.us
- Agency acronym: DOT
- Agency number: 395

LEGISLATIVE BUDGET/NON-BUDGET PROPOSAL
2005-2007 BIENNIUM

Wisconsin Department of Transportation

DT1586 3/2004

Instructions: Complete this form for any budget/non-budget legislative initiative for which a Division requests the Secretary's Office (SO) approval. Check the budget box only if the proposal has a fiscal impact on department expenditures or revenue. This form must be signed by the Division Administrator(s). Include this form with your budget submittal materials or return two completed copies to the Office of Policy & Budget (OPB), Attention: Paul Hammer. One copy will be retained by OPB and the other copy provided to the Office of General Counsel. The form is available in the department forms catalog on dotnet.

Short Title of Topic Automation of Driver Record Certifications			
Type of Proposal <input checked="" type="checkbox"/> Budget <input type="checkbox"/> Non-Budget	OGC OFFICE USE ONLY "T" Number Assigned "B" Number Assigned "NB" Number Assigned		
Date Submitted November 30, 2004	Division(s) Division of Motor Vehicles		
OPB Contact Person Karen Baetsen	Area Code - Telephone Number (608) 266-0179		
Lead Division Contact Person Anna Biermeier	Area Code - Telephone Number (608) 266-9901		
OGC Contact Person Joe Maassen	Area Code - Telephone Number (608) 266-7364		
Define Problem Precisely Current state law does not support the introduction of computer generated driver record certifications as evidence in court cases. Current law requires a comparison of the record and a certification by a person.			
Description of Proposed Change Modify s. 909.02(4) Wis. Stats., to require computer generated driver records to be admissible as evidence in Wisconsin courts.			
Justification for Change Law enforcement agencies, district attorneys, and courts request driver record certifications primarily to verify the status of a driver's license on a specific date of violation. The certifications are utilized as evidence in court proceedings. More than 30,000 driver record certifications are produced annually by the Division of Motor Vehicles. DMV employees review records and produce correspondence certifying the records for the requestors. It is possible to write business rules for computer systems that will allow the computer to handle more than 80% of all requests for driver records. The computer will be able to apply those rules and produce results in a manner consistent with the current manual review process. In addition, law enforcement agencies, district attorneys and the courts could request, view, and have printed locally a certified record at any time the DMV computer was available (generally 24/7). The law change would result in workload reduction and position savings and provide increased service to requestors.			
Describe any legislative history and related statutory language No legislative history in Wisconsin. In January 2004, the Pennsylvania Department of Transportation implemented a statutory change made electronic certifications admissible in courts.			

(Division Administrator Signature) (Date)

(Division Administrator Signature) (Date)

(Division Administrator Signature) (Date)

DOA Budget

1/3

R M N R

2005 BILL

D-Note

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- 1 AN ACT ...; **relating to:** self-authentication of driver records by electronic
2 certification by the Department of Transportation.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

Under current law, documentary evidence offered before a court must meet certain requirements of authentication as a condition precedent to admissibility. Certain documents, including certified public records, may be self-authenticating if specified requirements are met so that extrinsic evidence of authentication is not required. A copy of an official record or report or of a document recorded or filed in a public office, including data compilations in any form, certified according to certain criteria as correct by a person authorized to do so is self-authenticating.

* This bill allows driver records maintained by the Department of Transportation *
* DOT to be certified electronically by DOT as public records qualifying for *
self-authentication if the electronic certification is made in a manner determined by
DOT to satisfactorily support a finding that the document is what it purports to be.
Accordingly, driver records may be self-authenticating by certification generated by
a DOT computer system rather than a DOT employee.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 909.02 (4) of the statutes is amended to read:

2 909.02 (4) CERTIFIED COPIES OF PUBLIC RECORDS. A copy of an official record or
3 report or entry therein, or of a document authorized by law to be recorded or filed and
4 actually recorded or filed in a public office, including data compilations in any form,
5 certified as correct by the custodian or other person authorized to make the
6 certification, by certificate complying with sub. (1), (2) or (3) or complying with any
7 statute or rule adopted by the supreme court, or, with respect to records maintained
8 under s. 343.23, certified electronically in any manner determined by the
9 department of transportation to conform with the requirements of s. 909.01.

10 (END)

D. Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

1400/1 dn
LRB-1093/1 dn

ARG:jld:rs

December 6, 2004

new
date

stays

ALL
CAPS

ATTN: Doug Percy

The attached draft is included as an element of the Driver License Agreement (DLA) draft, except there is a difference between the drafts in effective dates.

I note the passage of the 2003 Wisconsin Act 294 relating to electronic transactions and records (UETA) and creating ss. 137.11 to 137.24, stats., and the existence of ss. 909.02 (4) and 910.05, with respect to electronic maintenance of public records.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1400/1dn
ARG:jld:rs

December 28, 2004

ATTN: Doug Percy

I note the passage of the 2003 Wisconsin Act 294 relating to electronic transactions and records (UETA) and creating ss. 137.11 to 137.24, stats., and the existence of ss. 909.02 (4) and 910.05, with respect to electronic maintenance of public records.

Aaron R. Gary
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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1400/1

ARG:jld:rs

DOA:.....Percy, BB0332 - Automation of driver record certifications

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

- 1 **AN ACT ...; relating to:** self-authentication of driver records by electronic
- 2 certification by the Department of Transportation.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

DRIVERS AND MOTOR VEHICLES

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This bill allows driver records maintained by DOT to be certified electronically by DOT as public records qualifying for self-authentication if the electronic certification is made in a manner determined by DOT to satisfactorily support a finding that the document is what it purports to be. Accordingly, driver records may be self-authenticating by certification generated by a DOT computer system rather than a DOT employee.

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5 certified as correct by the custodian or other person authorized to make the
6 certification, by certificate complying with sub. (1), (2) or (3) or complying with any
7 statute or rule adopted by the supreme court, or, with respect to records maintained
8 under s. 343.23, certified electronically in any manner determined by the
9 department of transportation to conform with the requirements of s. 909.01.

10 (END)